

## **Memorandum**

To: Planning Commission

From: Julianne Thomas, Planner  
Alex Score, Biologist

Date: April 18, 2006

Re: Request for Future Land Use Map Amendment

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**MEETING DATE:** April 26, 2006

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**RE NUMBER:** 00080190.000000

**EXISTING FUTURE LAND USE MAP DESIGNATION:** Residential Low (RL)

**PROPOSED FUTURE LAND USE MAP DESIGNATION:** Residential Conservation (RC)

**EXISTING ZONING DESIGNATION:** Native Area (NA)

**PROPOSED ZONING DESIGNATION:** Native Area (NA)

**PROPERTY OWNER:** State of Florida

**AGENT:** None.

### **PROPERTY INFORMATION**

**Key:** Key Largo **Mile Marker:** Ocean Reef

**Size of Parcel:** 1,447,634.67 S.F. or 33.23 acres; 2.88 acres being changed

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**RE NUMBER:** 00573690.003900

**EXISTING FUTURE LAND USE MAP DESIGNATION:** Residential Low (RL)

**PROPOSED FUTURE LAND USE MAP DESIGNATION:** Residential Conservation (RC)

**EXISTING ZONING DESIGNATION:** Native Area (NA)

**PROPOSED ZONING DESIGNATION:** Native Area (NA)

**PROPERTY OWNER:** Ocean Reef Club Inc.

**AGENT:** None.

### **PROPERTY INFORMATION**

**Key:** Key Largo **Mile Marker:** Ocean Reef

**Size of Parcel:** 483,521.24 S.F. or 11.1 acres; 1.27 acres being changed

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**RE NUMBER:** 00080120.000100

**EXISTING FUTURE LAND USE MAP DESIGNATION:** Residential Low (RL)

**PROPOSED FUTURE LAND USE MAP DESIGNATION:** Residential Conservation (RC)

**EXISTING ZONING DESIGNATION:** Native Area (NA)

**PROPOSED ZONING DESIGNATION:** Native Area (NA)

**PROPERTY OWNER:** State of Florida

**AGENT:** None.

### **PROPERTY INFORMATION**

**Key:** Key Largo **Mile Marker:** Ocean Reef

**Size of Parcel:** 273,117.75 S.F. or 6.27 acres; 1.31 acres being changed

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**RE NUMBER:** 00573630.002600  
**EXISTING FUTURE LAND USE MAP DESIGNATION:** Residential Low (RL)  
**PROPOSED FUTURE LAND USE MAP DESIGNATION:** Mixed Use Commercial (MC)  
**EXISTING ZONING DESIGNATION:** Sub Urban Commercial (SC)  
**PROPOSED ZONING DESIGNATION:** Sub Urban Commercial (SC)  
**PROPERTY OWNER:** Ocean Reef Club  
**AGENT:** None.

**PROPERTY INFORMATION**

**Key:** Key Largo **Mile Marker:** Ocean Reef  
**Size of Parcel:** 272823.3 S.F. or 6.26 acres

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**RE NUMBER:** 00573630.002601  
**EXISTING FUTURE LAND USE MAP DESIGNATION:** Residential Low (RL)  
**PROPOSED FUTURE LAND USE MAP DESIGNATION:** Mixed Use Commercial (MC)  
**EXISTING ZONING DESIGNATION:** Sub Urban Commercial (SC)  
**PROPOSED ZONING DESIGNATION:** Sub Urban Commercial (SC)  
**PROPERTY OWNER:** Academy at Ocean Reef  
**AGENT:** None.

**PROPERTY INFORMATION**

**Key:** Key Largo **Mile Marker:** Ocean Reef  
**Size of Parcel:** 50,413.35 S.F. or 1.16 acres

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**Location Detail & Brief Description:**

The property is located on Key Largo in Ocean Reef. The property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida, having Real Estate Numbers: 00080120.000100, 00080190.000000, 00573690.003900, 00573630.002600 and 00573630.002601

**Existing Use:**

The property is currently occupied by a variety of commercial and public uses. Among the uses are a pro shop and eatery that is going to be turned into a salon and spa. There is also a feral cat rescue center, the Academy at Ocean Reef and some tennis courts.

**Existing Habitat:**

The property is partially disturbed with both native and exotic landscaping. The remainder of the parcels is low tropical hardwood hammock of moderate quality.

**Land Use and Habitat on the 1985 Existing Conditions Aerials:**

The existing land use maps classify this property as community recreation. In the 1985 existing conditions aerials panel #330 classifies this area as 426 tropical hardwood hammock and 612 fringing mangrove

**Neighboring Land Uses and Character:**

The surrounding properties are mostly open land. To the North, West, and South of the subject property are hammocks. To the East are single family homes on a golf course.

## **ZONING AND LAND USE HISTORY**

### **Pre – 1986 Zoning:**

The subject property was zoned BU-1-M and BU-2-F prior to 1986. BU-1-M was a designation that allowed clubs and lodges. BU-2-F was a designation for the sale of alcohol. BU-2-F permits sale of beer, wine, and liquor for consumption on premises and in sealed containers for consumption off premises.

### **Considerations during 1986 comprehensive plan process:**

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations (Ordinance 33-1986 dated February 28, 1986), the subject property was re-designated as Sparsely Settled (SS) with a FLUM of Residential Low (RL).

### **Consideration during the 2010 comprehensive plan Process:**

During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996, efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan and to apply Future Land Use Map (FLUM) designations that were consistent with the land use district designations. The property was given a FLUM designation of RL which was consistent with original SS land use district designation.

### **Map changes or boundary considerations since 1986:**

Two of these parcels (RE 00573630.002600 and 00573630.002601) were changed from SS to Sub Urban Commercial (SC) under a development agreement with Ocean Reef but the FLUM was not changed at the same time.

## **ANALYSIS AND RATIONAL FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) b.)**

### **(i.) Changed projections:**

None

### **(ii.) Changed assumptions:**

Ocean Reef Club (ORC) is a gated community and private club that limits access to the community by non-residents and non-members. The community is a de facto municipality providing its own sewer, garbage, police, fire protection and medical services. ORC is isolated, 12 miles from Key Largo and 30 minutes from Florida City and Homestead.

The original change in zoning was granted in part based on much of the vacant land along CR-905 being turned into a wildlife refuge. Staff believed that the environmentally sensitive nature of the lands could be protected by reducing the number of trips on CR-905. One way to reduce the number of trips is to provide for more services on site. The only way to provide more services on site is to create more areas which will allow for commercial development.

ORC provides amenities to its residents in the form of commercial retail services, offices, restaurants, offices, schools, and recreation opportunities.

### **(iii.) Data errors:**

Staff believes that the Residential Low (RL) designation was never meant to include parts of 00080120.000100, 00080190.000000 and 00573690.003900, and now seeks to return the FLUM designation to Residential Conservation (RC).

**(iv.) New issues:**

Staff became aware that the FLUM was not changed for several areas in Ocean Reef that had zone changes. Staff would like to remove these inconsistencies and allow full use of these parcels.

**(v.) Recognition of a need for additional detail or comprehensiveness:**

Staff believes that land use designation and FLUM designation should be consistent to allow for comprehensive development of the scarce land resources available to Monroe County and Ocean Reef.

**(vi.) Data updates:**

None.

## **IMPACT AND POLICY ANALYSIS**

### **Comparison of development potential for the Current and Proposed Land Uses:**

**1. Current Land development regulations (LDR's)**

The land is currently designated Residential Low (RL).

#### **Policy 101.4.2**

The principal purpose of the Residential Low land use category is to provide for low-density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations (LDR's) that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.

**2. Potential Land Uses with Proposed Map Amendment**

Staff is requesting a future land use map amendment from Residential Low (RL) to Residential Mixed Use Commercial (MC) for parcels with RE #'s 00573630.002600, 00573630.002601 and RL to Residential Conservation (RC) for parcels with RE#'s 00573690.003900, 00080120.000100 and 00080190.000000.

#### **Policy 101.4.1**

The principal purpose of the Residential Conservation land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation. Low-intensity public uses and utilities are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on

January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted. Maximum permitted densities shall be based upon the results of the habitat analysis required by Division 8 of the Monroe County Land Development Regulations, as amended.

#### **Policy 101.4.5**

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

The list of permitted as-of-right and conditional uses includes commercial uses, office, institutional, public uses, hotels and marinas. More specifically, the SC permits commercial apartments and employee housing of less than six (6) units as-of-right, subject to meeting all other requirements. More than eighteen (18) units require a major conditional use.

#### **Compatibility with adjacent land uses and effects on community character:**

##### **Density and Intensity**

Changing the FLUM from RL to RC will protect the open space and natural areas which surround the SC parcels. Changing the FLUM from RL to MC will not increase the density of the two parcels which already have a land designation of SC and are developed as SC parcels. Changing the designation will only allow Ocean Reef to fully develop these parcels which have been cleared and identified as commercial areas and not encroach on sensitive environmental areas.

##### **Use Compatibility**

The property zoned NA is open space and natural areas. The property zoned SC is developed with a club, a cat shelter, and the Academy at Ocean Reef. The FLUM designations requested will allow the SC parcels to be developed fully as MC parcels and the NA parcels to be protected under the RC designation.

#### **Effects on Natural Resources Goal 102**

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. Future development would be required to comply with all Monroe County Code, State and Federal environmental regulations.

These FLUM changes will allow the SC parcels to be developed to its fullest potential and minimize the need to build or clear environmentally sensitive lands, like the NA parcels, to provide services to the community.

#### **Effects on Public Facilities: Objective 101.11**

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed FLUM amendments will not affect Objective 101.11 and will encourage commercial development to remain on disturbed lands rather than encroaching on environmentally sensitive areas.

### **Local Traffic, Parking, and Traffic Circulation**

The subject property is located in Ocean Reef, a gated community with limited access to non-members. Much of the travel within Ocean Reef is conducted using golf carts and staff has no evidence that there will be any local traffic, parking or traffic circulation issues created.

### **Effects on Public Facilities**

ORC provides many of its own services in terms and anticipates no problem continuing to meet the community needs if this amendment is approved and enacted.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions; and
2. In accordance with **Section 9.5-511 (d) (5) (b):**
  - (ii.) **Changed assumptions:**

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development.
  - (iii.) **Data errors:**

Staff believes that the Residential Low (RL) designation was never meant to include parts of 00080120.000100, 00080190.000000 and 00573690.003900, and now seeks to return the FLUM designation to Residential Conservation (RC).
  - (iv.) **New issues**

Staff recognized that areas in Ocean Reef with Land Use Designation changes did not have corresponding Future Land Use Map changes and is seeking to eliminate inconsistencies.
  - (v.) **Recognition of a need for additional detail or comprehensiveness:**

There are limited areas in ORC that are zoned for commercial uses. Changing the land use designation and FLUM of this parcel will allow this area of Ocean Reef to be developed for both commercial and residential uses in a cohesive way.
3. The subject property was zoned BU-1-M and BU-2-F prior to 1986.
4. The subject property was assigned zoning of Sparsely Settled (SS) in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Residential Low (RL) for the SS parcel.

6. The subject property was then changed to Sub Urban Commercial (SC) for parcels RE 00573630.002600 and 00573630.002601 pursuant to a development agreement in 1996.
7. The FLUM was never changed to reflect the change in land use designation.
8. The appropriate FLUM designation for RE #'s: 00080120.000100, 00080190.000000 and 00573690.003900 is Residential Conservation (RC).
9. The appropriate FLUM designation for parcels RE 00573630.002600 and 00573630.002601 is Mixed Use Commercial (MC).
10. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
11. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
12. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

#### **CONCLUSIONS OF LAW:**

1. This map amendment meets criteria (ii), (iii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed future land use map designations are appropriate for these properties and will allow the owners to make full use of the subject properties.

#### **RECOMMENDATION:**

Based on the above Findings of Fact and Conclusions of Law, staff and DRC recommends **APPROVAL** to the Planning Commission for the proposed Future Land Use Map amendments from Residential Low (RL) to Mixed Use/Commercial (MC) for RE#s : 00573630.002600 and 00573630.002601 and from Residential Low (RL) to Residential Conservation (RC) for RE#s 00080120.000100, 00080190.000000 and 00573690.003900.